

REMARKS

In the Official Action mailed on **14 September 2007**, the Examiner reviewed claims 1-30. Claims 1-8, 11-18 and 21-28 were rejected under 35 U.S.C. § 103(a) based Padula (USPN 6,330,486 hereinafter “Padula”), and Yamada (USPN 6,832,192 hereinafter “Yamada”). Claims 9-10, 19-20 and 29-30 were rejected under 35 U.S.C. § 103(a) based on Padula, in view of Gibson (USPN 5,812,688 hereinafter “Gibson”).

Rejections under 35 U.S.C. § 103(a)

Independent claims 1, 11, and 21 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Padula in combination with Yamada. Applicant respectfully disagrees. Applicant reiterates that embodiments of the present invention **intercept parameters** associated with audio use from an application and **use the intercepted parameters** to obtain location information of a display window associated with the application within a three-dimensional display (see instant application, claim 1 and par. [0037]).

Examiner avers that Padula column 1, lines 54-59 discloses “intercepting parameters associated with audio use from an application” (see page 3 of the Office Action letter dated July 16, 2007). Applicant respectfully disagrees. At most, Padula column 1, lines 54-59 discloses that a sound node **defines** sound generation properties for objects in a VRML (Virtual Reality Modeling Language) world. There is nothing in Padula which expressly or inherently suggests the instant application’s claim element “**intercepting parameters.**” In other words, Padula does not disclose the *act of intercepting* parameters associated with audio use.

Examiner also avers that Yamada discloses “using the intercepted parameters to obtain location information of a display window associated with the

application within a three-dimensional display” (see page 3 of the Office Action letter dated July 16, 2007). Applicant respectfully disagrees. At most, Yamada discloses **acquiring** a parameter value corresponding to an acquired power estimation value for a partial speech segment (see Yamada, col. 3, line 14-15). Yamada *does not disclose* the act of intercepting parameters or using intercepted parameters to obtain location information. The act of acquiring a parameter is *not the same* as the act of intercepting a parameter. The act of intercepting a parameter necessarily implies gaining possession of the parameter while the parameter is in route to a specified destination.

Furthermore, neither Padula nor Yamada disclose intercepting parameters associated with audio use from an application, **wherein the application does not include support for three-dimensional sound** (see paragraphs [0010]-[0011] and [0036]-[0038] of the instant application).

Because Padula does not disclose “intercepting parameters,” and Yamada does not disclose “using the intercepted parameters to obtain location information” or “intercepting parameters associated with audio use from an application, wherein the application does not include support for three-dimensional sound,” the combination of Padula and Yamada *do not disclose* every element in the claims. Hence, embodiments of the present invention are not obvious in light of the combination of Padula and Yamada (see MPEP § 706.02(j), as “... *the prior art reference (or references when combined) must teach or suggest all the claim limitations.*”).

Accordingly, Applicant has amended independent claims 1, 11, and 21 to clarify that some embodiments of the present invention intercept parameters associated with audio use from an application, **wherein the application does not include support for three-dimensional sound**. These embodiments of the present invention are beneficial because they can produce three-dimensional sound for legacy applications which do not support three-dimensional sound.

These amendments find support in paragraphs [0010]-[0011] and [0036]-[0038] of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 11, and 21 as presently amended are in condition for allowance. Applicant also submits that claims 2-10, which depend upon claim 1, claims 12-20, which depend upon claim 11, and claims 22-30, which depend upon claim 21, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By /Anthony P. Jones/
Anthony P. Jones
Registration No. 59,521

Date: 16 October 2007

Anthony Jones
Park, Vaughan & Fleming LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 759-1666
Fax: (530) 759-1665
Email: tony@parklegal.com